

#17

Attorney Docket No.: 44342.013400

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

FUSHIKI *et al.***SERIAL NO.:** 09/367,481**EXAMINER:** S. Coe**FILED:** August 13, 1999**Group Art:** 1651**FOR:** ATHLETIC ENDURANCE INCREASING AGENT

RENEWED PETITION UNDER 37 CFR 1.137(b)Commissioner for Patents
Box DAC
Washington, D.C. 20231

Sir:

RECEIVED**SEP 14 2001****OFFICE OF PETITIONS
DEPUTY A/C PATENTS**

Applicants respectfully request Reconsideration of the Decision on Petition dismissing Applicant's Request to Revive the above-noted Patent Application under provisions of 37 CFR 1.137(b).

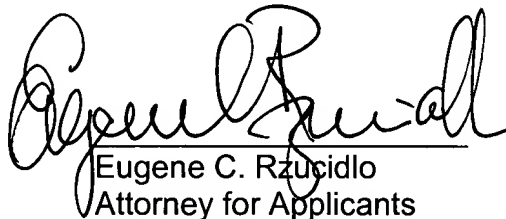
The decision states that the petition is not complete since a Notice of Appeal and Appeal Fee were not provided. Attached hereto is a Notice of Appeal and Authorization to Charge the appeal fee to the Greenberg Traurig, LLP Deposit Account.

Applicants believe that with the presentation of the attached Notice of Appeal from the Primary Examiner's Final Rejection to the Board of Patent Appeals and Interferences, that the standards for a grantable petition have been met.

Accordingly, Applicants, by their attorney-of-record, kindly ask Entrance of this Petition, the Notice of Appeal and the Response filed with the original Petition. Applicants further request that the Petition be granted and the Application be returned to the Examiner for further action by the Examiner.

Respectfully Submitted

GREENBERG TRAURIG, LLP

A handwritten signature in black ink, appearing to read 'Eugene C. Rzucidlo', is written over a horizontal line.

Eugene C. Rzucidlo
Attorney for Applicants
Greenberg Traurig, LLP
885 Third Avenue
Twenty-Second Floor
New York, New York 10022
Attorney Reg. No. 31,900

Date: 9/10/01

DAC/12

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): **FUSHIKI et al.**

Docket No.

44342.013400

Serial No.

09/367,481

Filing Date

August 13, 1999

Examiner

S. Coe

Group Art Unit

1651

Invention:

ATHLETIC ENDURANCE INCREASING AGENT



Renewed Petition under 37 CFR 1.137(b), Return Postcard,

I hereby certify that this **Notice of Appeal from the Primary Examiner to the Board of Patent Appeals**

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under


37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C.

20231-0001 on **September 10 2001**

(Date)

A. Scheffer

(Typed or Printed Name of Person Mailing Correspondence)


(Signature of Person Mailing Correspondence)

0301 0120 0006 9535 9949

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

RECEIVED

SEP 14 2001

**OFFICE OF PETITIONS
DEPUTY A/C PATENTS**